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THIRD COMMITTEE

COLOMBIA, EL SALVADOR, MEXICO, NIGERIA:  
DRAFT ARTICLES ON MARINE SCIENTIFIC RESEARCH

Article I

Definition of marine scientific research

For the purpose of this Convention "Marine Scientific Research" means any study and related experimental work conducted in the marine environment designed to increase mankind's knowledge thereof.

Article II

Right to conduct marine scientific research

States, irrespective of their geographical location and competent international organizations have the right to engage in marine scientific research in the marine environment subject to the rights and obligations of coastal States and in accordance with the provisions of this Convention.

Article III

General Principles

1. States shall endeavour to promote, facilitate and co-operate in the development and conduct of marine scientific research.
2. In the conduct of marine scientific research the following general principles shall apply:-
  - (a) Marine scientific research activities shall be conducted exclusively for peaceful purposes;
  - (b) Such research shall not unduly interfere with other legitimate uses of the sea compatible with the provisions of this Convention;
  - (c) Such research shall be conducted in compliance with regulations established in conformity with the provisions of this Convention.

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3. Marine scientific research activities shall not form the legal basis for any claim whatsoever to any part of the marine environment or its resources.

Article IV

Landlocked and geographically disadvantaged developing States

The interests and rights of neighbouring developing land-locked States and other geographically disadvantaged States as provided for in the Convention shall be taken into account.

Article V

Means to conduct marine scientific research

In conducting marine scientific research in accordance with the provisions of this Convention, the researching State, and competent international organizations shall use adequate scientific methods and may utilize research vessels, aircraft, devices, equipment or installations.

Article VI

International and regional co-operation

1. States shall co-operate with one another, through the conclusion of bilateral and multilateral agreements, to create favourable conditions for the conduct of scientific research in the marine environment and to integrate the efforts by scientists in studying the essence of and the interrelations between phenomena and processes occurring in the marine environment.

2. States shall, both individually, and in co-operation with other States and competent international organizations actively promote the flow of scientific data and information and the transfer of knowledge resulting from marine scientific research in particular to developing countries, as well as the strengthening of the indigenous marine research capabilities of developing countries through, inter alia, programmes to provide adequate education and training of their technical and scientific personnel.

3. Researching States shall disseminate the information and knowledge resulting from marine scientific research, through effective international communications and appropriate channels.

Article VII

Conduct of marine scientific research in the Economic  
Zone and Continental Shelf

1. States and competent international organizations shall endeavour to facilitate the right to conduct marine scientific research in the economic zone and the continental shelf through bilateral, regional and multilateral agreements.

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2. In the absence of such agreements States, and competent international organizations which intend to undertake marine scientific research in accordance with this Convention shall communicate with the coastal State providing a full description of:

- (a) the nature and objectives of the research project;
- (b) the means to be used, including name, tonnage, type and class of vessels;
- (c) the precise geographical areas in which the activities are to be conducted;
- (d) the expected date of first appearance and final departure of the research vessels or equipment as the case may be; and
- (e) the name of the sponsoring institute, its director and the scientist(s) in charge of the expedition.

Furthermore, the researching State shall inform the coastal State immediately of any major change in the research programme.

3. States and competent international organizations which intend to undertake the research project shall indicate in their communication to the coastal State whether they consider the research to be of a fundamental nature or related to the resources of the area.

4. Such communication shall be made through appropriate official channels and the coastal State shall immediately acknowledge receipt of the communication.

5. When the coastal State agrees that the research is of a fundamental nature it may:

- (a) within 12 days of acknowledging receipt of the communication from the researching State, indicate its intent to participate in the research project, in which case the researching state or the competent international organizations shall:
  - (i) ensure the right of the coastal state, if it so desires, to participate or to be represented in all phases of the research project;
  - (ii) provide an opportunity to participate directly in the research on board vessels at the expense of the State conducting the research but without payment of any remuneration to the scientist of the coastal State;
  - (iii) provide the coastal State with the final results and conclusions of the research project;
  - (iv) undertake to provide to the coastal State on an agreed basis raw and processed data and samples of material;

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- (v) if requested, assist the coastal State in assessing the said data and samples and the results thereof;
  - (vi) ensure that the research results are made internationally available through International Data Centres or through other appropriate international channels as soon as feasible; and
  - (vii) comply with all relevant provisions of this Convention.
- (b) If the coastal State makes no reply within 120 days of acknowledgement of receipt of the initial communication of the researching State, the researching State or competent international organization shall proceed with the research in accordance with conditions (iii-vii) above.
6. Any research project related to the resources of the area shall only be conducted with the explicit consent of the coastal State.
7. When it is agreed that the research relates to the resources of the area, the following conditions shall apply:
- (a) the conditions specified in paragraph 5 (a) of this Article with the exception of condition (vi);
  - (b) if requested, submit to the coastal State as soon as practicable after the completion of the research, a report including a preliminary interpretation;
  - (c) ensure that the research results are not published or made internationally available without the express consent of the coastal State; and
  - (d) fulfill any other request for information relating directly to the research project.
8. If the coastal State is of the opinion that the research indicated as fundamental by the researching State or competent international organization is not of a fundamental nature or that the proposed research project is not in conformity with the general principles as established in Article 3, or with the conditions enumerated in paragraphs 5 (a) and 7 of this Article, it shall as soon as possible inform the interested party intending to undertake the research project.
9. Unless the parties otherwise agree, each party shall choose a person from a list of experts in the marine scientific field, established by the appropriate United Nations body.
- The experts shall assist the parties to reach agreement. In the case of continued disagreement, a third expert shall be appointed by the appropriate United Nations body at the request of either party with the purpose of assisting the parties to reconcile their differences.
- If negotiation and conciliation should fail to produce agreement, the coastal State shall have the right to withhold its consent.

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10. If, during the course of the research project, the coastal State finds that the principles in Article 3 or the conditions in Article 7 have not been complied with by the researching State, or competent international organization, the coastal State shall, within 6 months, submit all pertinent information concerning this matter to the appropriate United Nations body in order that it may render an opinion.

In the case that the opinion confirms the finding of the coastal State, this State shall have the right to immediately suspend or terminate the research project.

#### Article VIII

##### Conduct and promotion of marine scientific research in the International Seabed Area

1. In the International Seabed Area (excluding the water column) all States, whether coastal or land-locked, and competent international organizations shall have the right, in conformity with the provisions of this Convention, to carry out marine scientific research.

2. Information concerning the research project in accordance with Article 7, paragraph 2, shall be submitted not less than 120 days beforehand to the International Authority or other appropriate international body and also to the coastal States whose economic zone or continental shelf is immediately adjacent to the area where the research programme will be carried out.

3. When a resource orientated marine scientific research programme is planned in an area immediately adjacent to the economic zone or continental shelf of a coastal State, and research incidental to the research programme involving incursions into the economic zone of the coastal State may be required, the coastal State may require that the provisions in paragraph 7 of Article 7 be fulfilled.

4. The research results should be published in a readily available scientific publication, and in any event made internationally available through appropriate international channels, as soon as possible.

#### Article IX

##### Access to Ports and assistance to Marine Research vessels

On the basis of the bilateral, regional and multilateral agreements concluded by States, and competent international organizations and in a spirit of international co-operation to promote marine scientific research activities, coastal States shall adopt measures, including domestic legislation, to facilitate the access to their ports and provide assistance to marine research vessels conducting scientific research in accordance with the provisions of this Convention.